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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,848

09/20/2006

Atsushi Morimoto

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KUBOVCIK & KUBOVCIK

SUITE 1105

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ARLINGTON, VA 22202

EXAMINER

SINGH-PANDEY, ARTI R

ART UNIT

PAPER NUMBER

1786

MAIL DATE

DELIVERY MODE

06/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,848	Applicant(s) MORIMOTO ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 06/04/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/4/2010 has been entered. Applicant has not responded to any of the Examiner's questions or rejections from the after final. If the specification and claims can support one another, there could be a possibility of an allowance, but the record needs to be clear as to what is being claimed and the support in the diagrams, specification and claims.

2. The Examiner has carefully considered Applicant's amendments to the claims and accompanying remarks dated 10/16/2009. Applicant's amendment to overcome the objection made over "characterized in" is sufficient to overcome this objection which is now withdrawn. With regard to the substantial rejection of deleting "part" and adding "some" to the claims, these amendments have been entered but do not have support from the specification and thus Applicant's arguments are not commensurate in scope. Applicant has directed the office that the aforesaid amendment has support by the drawings of the application as described in the specification disclosure. That is insufficient, as Applicant needs to point to exactly where the support is found. Upon rereading the entire specification and thoroughly looking at the drawings and their

Art Unit: 1786

description the Examiner concludes that what applicant is currently trying to claim does not have support. This shall be explained further in the 112 rejection. However since the amendment does not have support a 112-1st rejection has been set forth below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. A yarn is defined as being a generic term for a continuous strand of textile fibers, filaments or material in the form suitable for knitting or weaving and usually occurs in the following forms (1) a number of fibers twisted together also known as a spun yarn; (2) a number of filaments laid together without a twist (which the Examiner believes is what Applicant is trying to claim) and just a single filament. Applicant is now trying to say, or at least as is best understood by the Examiner that their yarn (comprised of filaments) as specific portions or some of the filaments to be coated with the resin, so the top portion could be coated but the under surface of the same yarn comprised of many filaments could remain uncoated. Then the claim language states that the resin "SURROUNDS" which by definition means to encompass. This is contradictory to simply coating a portion of the yarn. It is

Art Unit: 1786

suggested that perhaps telling us what the coating is , how it is applied (viscosity), is it a solution or thick resin or is it a film? Each of these make a difference when partially coating, but when " surround" is in the claim language it does not make sense.

Therefore, Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has amended the claims to appear that the textile is coated on one side with a resin and at least some of the single yarns are surrounded by the resin and some of the same single yarns are not surrounded by the resin. Applicant has directed the office to the drawings and disclosure but nowhere specifically as to where this amendment has support for. Applicant has pointed to drawings, where the Examiner in Figures 3 and 4 both show that the upper parts of the single yarns are coated with a resin and the lower part of the same yarn is not coated. this does have support, but the new language of picking and choosing yarns on the same side to be coated and not coated does not have support and this neither the drawings nor the description of the drawings describe what the amendment reflects. In fact that paragraph discloses that both coating are found on the same side but just not penetrating all the way through. Thus, the currently amended claims do not have clear and concise support from the current specification. If the Examiner is incorrect in her deduction please point out the sentences within the paragraph where there is support for the current amendments.

Conclusion

5. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arti Singh-Pandey whose telephone number is 571-272-1483. The examiner can normally be reached on M-R 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1786

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh-Pandey/
Primary Examiner
Art Unit 1786

AP